

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

**MISSISSIPPI PHOSPHATES
CORPORATION and FURNACE
AND TUBE SERVICE, INC.**

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PLAINTIFFS

v.

CAUSE NO. 1:07CV1140 LG-RHW

**ANALYTIC STRESS
RELIEVING, INC.**

DEFENDANT

FINAL JUDGMENT

This action came on for trial on Monday, October 5, 2009, before the Court and a jury with Honorable Louis Guirola, Jr., United States District Judge, presiding. The issues have been duly tried, and the jury has heard all of the evidence and argument of counsel and received instructions of the Court, including a Verdict Form. The jury retired to consider their verdict and returned upon their oaths, into open Court, the following verdict, to-wit:

Question Number One

Do you find, from a preponderance of the evidence, that Analytic Stress Relieving breached its contract with Furnace and Tube?

Answer "Yes" or "No:." Yes

Question Number Two

What amount of money, if any, if paid now in cash, would adequately compensate Furnace and Tube for its damages due to breach of contract?

Answer in dollars and cents, for damages, if any, or answer "none."

Compensatory damages \$ None

Question Number Three

Do you find, from a preponderance of the evidence, that Analytic Stress Relieving was negligent in performing the post-weld heat treatment on Mississippi Phosphates Corporation's No. 2 Waste Heat Boiler, and that the negligence proximately caused Mississippi Phosphates Corporation's damages?

Answer "Yes" or "No:" Yes

Question Number Four

What amount of money, if any, if paid now in cash, would adequately compensate Mississippi Phosphates Corporation for their damages due to negligence?

Answer in dollars and cents, for damages, if any, or answer "none."

Compensatory damages \$ 3,101,506.37

Question Number Five

If you determine that Furnace and Tube was partially or entirely at fault for Mississippi Phosphates Corporation's damages, write in the percentage of fault to be allocated to Furnace and Tube:

60 %

Write in the percentage of fault to be allocated to Analytic Stress Relieving:

40 %

IT IS THEREFORE ORDERED AND ADJUDGED that the Plaintiff, Mississippi Phosphates Corporation, does have and shall recover Judgment of and from the Defendant, Analytic Stress Relieving, Inc. in the sum and amount of One Million, Two Hundred Forty Thousand, Six Hundred and Two Dollars and Fifty Five Cents (\$1,240,602.55).

IT IS FURTHER ORDERED AND ADJUDGED that the Plaintiff Furnace and Tube Service, Inc. take nothing.

IT IS FURTHER ORDERED AND ADJUDGED that all proper costs of this action are

taxed to the Defendant.

SO ORDERED AND ADJUDGED this the 9th day of October, 2009

s/ *Louis Guirola, Jr.*

Louis Guirola, Jr.
United States District Judge